IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1374 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5860 OF 2004

Sheriar Faramroze Patel.] .. Applicant.

Versus

State of Maharashtra & ors.] .. Respondents

Mr. Sheriar F. Patel petitioner/applicant in person.

Mrs. P.H. Kantharia, APP, for the State.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 18TH JANUARY, 2006

P.C. :

. Heard Mr. Sheriar Framroze Patel, the petitioner in person and perused the Writ Petition and the Affidavit filed by Dr.R.T. Rathod, Joint Commissioner of Police, Thane.

2. The petitioner is an Editor of Hindi Newspaper viz. Public Times Hindi Weekly. By means of this Writ Petition, the petitioner seeks the direction to the investigating agency for taking action against the persons involved in substandard petroleum products in

vehicles at various Petrol Pumps.

3. Dr. R.T. Rathod, the Joint Commissioner of Police (Thane), in his Affidavit dated 7th December, 2004 has stated that the allegations in various complaints for running illegal business of storage and selling of substandard petroleum products have been attended to by the concerned Police Officers at Dombivali Police Station (Thane), Manpada Police Station (Thane), Bazarpeth Police Station (Kalyan) and Ulhasnagar Police Station (Thane).

4. As regards allegations against one Mr.Bittu, resident of Namdevwadi, A-Block Road, Ulhasnagar-1, during the raid neither storage of substandard petroleum products nor any person dealing with such thing was found. In respect of illegal business being carried out by Najama Khalik Shaikh, it is stated that the raids were conducted on diverse occasions in the year 2004 and Najama was arrested. Preventive action under Bombay Prohibition Act under section 93 has also been initiated against her. With regard to the allegations pertaining to Santoshbhai and Mukeshbhai, Dombivali Police Station, it is reported that during the raid, neither storage of substandard petroleum product at their place was found nor any person there was found dealing in such illegal

activity. No merit was found in the allegations pertaining to Yogeshbhai who was alleged to be carrying on illegal business of storage and selling substandard petroleum products. In his Affidavit, the Joint Commissioner of Police, Thane has given details of the raids conducted against whom various allegations were levelled and wherever truth was found, the action has been taken.

5. It appears that one Yogeshbhai Thakkar lodged Crime Report No.152 of 2004 against the present petitioner alleging that the petitioner is indulging himself in criminal activities of extortion and had demanded ransom of Rs.1.5 lakhs. The petitioner has taken out an application being Criminal Application No.5860 of 2004 praying that this criminal case that has been lodged against him be quashed. The petitioner prays that if the criminal case against him is not quashed by this Court, it should be transferred to this Court.

6. Having considered the matter, we are of the view that insofar as the petitioner’s grievance against the various persons involved in selling substandard petroleum products at various Petrol Pumps is concerned, we find that the concerned Police authorities have taken

appropriate action with regard to the various complaints filed before them and no further direction is needed in this Writ Petition.

7. As regards petitioner's grievance that the criminal case in which he has been falsely roped in, this Court should quash the proceedings against him, we are of the view that the petitioner shall have to adopt the procedure provided in the Criminal Procedure Code and we are afraid, by means of the application taken out in the Writ Petition, the criminal case lodged against the petitioner does not deserve to be quashed. Similarly, we find no merit in the prayer of the petitioner that the criminal case against him should be transferred to this Court.

8. No further directions are required in the Writ Petition as well as the Criminal Application and both are disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]